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January 24, 2006

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Hon. Beth A. O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40601

RECEIVED

JAN 26 2006

PUBLIC SERVICE
COMMISSION

EMAIL:
slonebates@tgtel.com

Re: Kinzer Drilling Farm Tap Increase
Case No. 2005-00478

Dear Ms. O'Donnell:

We submit for filing the original motion to compel and motion for an informal conference in the above-captioned case. Thank you for your attention to this matter.

Sincerely,

Timothy C. Bates

Timothy C. Bates

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

**IN RE: J. W. KINZER DRILLING COMPANY'S) CASE NO.
 REQUEST TO INCREASE THE COST OF) 2005-00478
 NATURAL GAS FOR FARM TAP RATES)**

**INTERVENOR'S
MOTION TO COMPEL AND MOTION FOR AN
INFORMAL CONFERENCE AND/OR FORMAL
HEARING**

Comes now the Intervener in the above captioned matter, pro se, and moves the Commission for an order compelling Kinzer to answer the discovery requests propounded on January 5, 2005. Moreover, pursuant to 807 KAR 5:001 section 4(1) and section 4 (4), the Intervener moves the Commission for an informal conference or in the alternative a formal hearing, the purposes of which would be to address the rate increase in general as well as to address the questions arising from Kinzer's failure to respond to said discovery.

The responses received from Kinzer's counsel reflect obstructionism aimed at avoiding legitimate issues raised by the Intervener. Apparently, Kinzer cannot justify their rate increase. Thus, a conference and/ or hearing is now needed.

Additionally, the Intervener, would respond to Kinzer's motions to strike and to deny Intervener's status as a full intervener, by pointing out the the Commission's order of December 21,2005, which states unequivocally that **Timothy C. Bates's request for intervention is granted , he is to be given the full rights of a party and he shall have the right to serve interrogatories and request for production of documents .** The Intervener's rights in this regard where not limited in any way, thus Kinzers' motions are nothing more than attempt to avoid answering the discovery which was propounded.

Respectfully submitted,

SLONE & BATES, P.S.C.
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BY: Timothy C. Bates
TIMOTHY C. BATES
ATTORNEY AT LAW

CERTIFICATE OF SERVICE

This is to certify that the attached Interrogatories and Requests have been served by mailing a copy the same, postage prepaid to the following persons on this 24 th day of January, 2006:

Patrick G. McNamee
J.W. Kinzer Drilling Co.
P.O. Box 155
Allen, KY 41601

Morris Kennedy
2332 Old Hickory Lane
Lexington, KY 40515

Beth O'Donnell
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

Timothy C. Bates
TIMOTHY C. BATES